IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

OP.No. 2320 of 2000(A)

PETITIONER:

JIJI THANKACHEN,
W/O.THANKACHEN JOHN,
VELLANJIYIL VEED, OLAMATTOM,
THODUPUZHA.

BY ADV. SRI.B.ASHOK SHENOY

RESPONDENTS:
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1. **THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THODUPUZHA.**
2. **DR.GEOGI K.NAINAN, SREENILAYAM, COLLEGE ROAD, MUVATTUPUZHA.**
3. **UNITED INDIA INSURANCE CO.LTD., REPRESENTED BY ITS MANAGER, THODUPUZHA.**
4. **THE DEPUTY TAHSILDAR (RR), TALUK OFFICE, THODUPUZHA.**
5. **THE VILLAGE OFFICER, KAIMKUNNAM VILLAGE, THODUPUZHA.**

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMARAN for R1 & R5
BY ADV. SMT.P.A.REZIYA for R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.3760/2000 IN O.P.NO.2320/2000 A

DISMISSED

13/09/2007 **SD/-THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF AWARD DTD. 2/06/98 PASSED BY 1ST RESPONDENT IN O.P.(MV) NO.829 OF 1995.**

EXT.P2: **COPY OF DRIVING LICENSE NO.IT/264/77 ISSUED TO V.J.JOSEPH BY ASST.LICENSING AUTHORITY, THODUPUZHA.**

EXT.P3: **COPY OF NOTICE NO.B7-9159/99 DTD. 6/99 ISSUED TO PETITIONER BY 4TH RESPONDENT.**

/TRUE COPY/

P.S.TO JUDGE

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.2320 of 2000-A

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Dated this the 13th day of September, 2007.

JUDGMENT

1. The petitioner is the second respondent in Ext.P1 MACT award. The first respondent in that proceedings was the driver of the vehicle, who and the writ petitioner remained ex parte in Ext.P1 proceedings. The Tribunal concluded that the driver did not possess a valid licence. Accordingly, Ext.P1 award was passed on 2nd June, 1998 directing the insurer to satisfy the award with entitlement for reimbursement by the writ petitioner, owner. That award has become final.

2. This writ petition is filed in 2000 contending that the driver, in fact, had licence and that the revenue recovery proceedings are without prior notice and unauthorized.

3. As already noticed, Ext.P1 award has become final. The entitlement of the insurer for reimbursement from the writ petitioner is a term of that award and is hence not liable to be made subject matter of judicial review against the revenue recovery proceedings. The proceedings for recovery has been initiated in terms of the provisions of the Motor Vehicles Act and the Revenue Recovery Act. I do not find any jurisdictional error or legal infirmity in the impugned proceedings. The writ petition fails. The same is accordingly dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.2320 of 2000-A

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JUDGMENT

Dated: 13th September, 2007.